Call to Order:

The meeting was called to order at 7:37 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, Joan Duff, Vincent Chiozzi (arrived at 7:40), John McDonnell (arrived at 7:43); also present were Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

Chairman Salafia reviewed a memo from the Town Manager requesting that all meetings end and the building be cleared by 10 PM. Mr. Salafia noted that public hearings might need to be continued to additional meetings to accommodate that Town Manager's request.

Minutes:

On a motion by Ms. Duff, seconded by Ms. Anderson, the Board voted to approved the minutes for August 25th and Sept. 8, 2009, as revised **Vote** Unanimous (4-0)

Mr. Materazzo noted that a public forum will be held on Wednesday night at 6:30 p.m. at the Old Town Hall for a discussion on the Town Yard Redevelopment Area. He invited the Board and members of the public to attend.

Mr. Materazzo also reviewed the Dam Feasibility Study grant (in the amount of \$50,000), which would be used for the study of the three dams along the Shawsheen River. He noted that a meeting will be held on Dec. 2, 2009 at 7:00 pm at the Public Safety Center.

Pine Forest Park:

The Board opened the public hearings, continued from the October 13th meeting, on an application by Angelo Petrosino for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with an 11-lot subdivision entitled Pine Forest Park located off Flash Rd., North Reading. Chairman Salafia reviewed specific items that would be discussed at this evening's meeting which were improvements within the layout of Rt. 125 and improvements to Flash Rd and Old Andover Way.

Improvements within the layout of Rt. 125, Flash Rd & Old Andover Way:

Luke Roy, O'Neill Associates, representing the applicant, gave an overview of the proposed changes to Flash Road, including the pavement width and sidewalks; he noted all the improvements are within the right-of-way. He also reviewed the two retaining walls, one of which will be a maximum of 2' in height and 60' long; the other is 2' in height and 45' long. Ms. Byerley asked if the developer would have to go on to abutting properties for any of the proposed improvements and if the Town of North Reading has reviewed the plan. Mr. Roy noted that North Reading has a copy of a plan but not the updated plan. Ms. Anderson asked which North Reading Town department would have to approve improvements in the roadway. Attorney Thomas Mullen, representing the applicant, noted that last year North Reading did approve a version of the plan, which did not show the retaining walls; he noted that North Reading will review the changes to see if they are minor. Mr. Byerley noted that she has received a letter from the North Reading Planning Commission, and they will be reviewing the plan at their Nov. 3rd meeting. Mr. Roy reviewed the existing emergency access and the improvements within the layout of Old Andover Road and Rt. 125. He also noted that an easement would eliminate the sharp angle and that a gate would be installed at the entrance to Route 125 and Old Andover Way, making it inaccessible to the public. Chairman Salafia stated

Pine Forest Park (cont.):

Improvements within the layout of Rt. 125, Flash Rd & Old Andover Way (cont.): that Mass Highway is under the impression that no work will be done within the state highway layout. Attorney Mullen noted they do not have approval from Mass Highway, but the applicant has approval to do work on private property. Ms. Byerley reviewed her memo to the Planning Board dated October 23, 2009. Ms. Byerley noted that the submission of the plan for Mass Highway's review is an item requiring monitoring by DPW, Fire, and staff. The Board stated they want the plan submitted to Mass Highway. Mr. Petrosino, the applicant, noted he wants to make improvements to the layout and is trying to deal with Mass Highway. Ms. Byerley questioned who would be in control of the locked gate. Additionally, Ms. Byerly noted that the plan submitted to Mass Highway should show pavement running to the edge of the layout. Attorney Mullen noted the HOA would maintain the roadway and keys would be given to North Reading and Andover. Town Counsel, Attorney Thomas Urbelis, questioned who would plow the roadway at 3 a.m. Attorney Mullen stated the HOA would maintain and plow the way. The Board discussed the emergency access, the proposed access and when it would be used. Ms. Hobbie, an abutter, noted that the State restricts access to emergency vehicles only. Mr. McDonnell questioned if a note should be placed on the plan showing the layout line and edge of pavement. Ms. Byerley noted DPW also wants a note on the plan designating the locations for "loam and seed."

Other Roadway Concerns:

Ms. Byerley continued to review her memo to the Board, dated Oct. 23rd, and noted that the map of the proposed area shows Roach Circle being closer then Flash Road to the proposed subdivision. Ms. Byerley noted that concerns were raised at the IDR regarding the traffic information provided by Conley Associates, She noted that the applicant should provide information on existing traffic patterns and the counts that take place in that area. This information will help the Board determine whether Roach Circle will be used as access/egress for the project. Mr. Roy noted that the proposed plan is to use Flash Road to access/egress the subdivision. Attorney Mullen stated that the applicant does not have rights within Roach Circle to improve the way, but they do have rights within Flash Road. Attorney Urbelis noted that emergency vehicles would use the quickest route available to them. The Board questioned who maintains Roach circle. Attorney Mullen noted the Town of North Reading maintains the roadway. Ms. Byerley noted that remaining open items for further discussion are access, Roach Circle, emergency access and traffic study. These items should be added to the Nov. 10th meeting.

Grassfields:

The Board opened the public hearing on an application of Old Andover Restaurant, Inc. d/b/a Grassfields Foods & Spirits for a Special Permit for a Major Non-Residential Project for the expansion of the existing restaurant located in the Shawsheen Plaza. Chairman Salafia reviewed the Planning Board meeting procedures and noted that the Board is under time constraints, which requires that the scheduled hearing start and end on time. Dave Mackwell, Kelly Engineering Group, representing Grassfields, reviewed the proposed project and noted that the renovations would be within the existing building footprint. He noted that there are two tenants in the building; the applicant will take 2,000 s.f. from the other tenant, which will add an additional 2,000 s.f. to the restaurant. Mr. Mackwell also reviewed comments from the IDR, including the addition of a new sidewalk, sewer grease trap, and a dumpster location. The Board questioned the parking requirements. Mr. Mackwell stated there are 556 existing parking spaces, which

Grassfields (cont.):

the landlord and Grassfields feel are adequate parking for the expansion. The President of Grassfields stated they have cross parking easements for all the parcels in Shawsheen Plaza. He noted the new landscaping in front of the restaurant would not take away any parking spaces. Mr. Mackwell noted that the building will have to be brought up to new Title V and Sewer codes. Ms. Byerley reviewed her memo to the Board stated October 22, 2009 and noted there were no other questions or concerns raised at the IDR. Town Counsel Attorney Urbelis questioned how they provided for parking for the zone. Chairman Salafia noted the applicant should provide a zoning breakdown of the parking for the different uses. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to continue the public hearing on an application of Old Andover Restaurant, Inc. d/b/a Grassfields Foods & Spirits for a Special Permit for a Major Non-Residential Project for the expansion of the existing restaurant located in the Shawsheen Plaza. **Vote** Unanimous (5-0)

Celestial Circle:

The Board opened the public hearings that were continued from the October 13th meeting on an application by Rayvon Realty Trust for a nine lot Definitive Subdivision Plan, entitled Celestial Circle, and a Special Permit for a Cluster Development and a Special Permit for Earth Movement, located off Sunset Rock Road.

Chairman Salafia reviewed the specific items that would be discussed at this evening's meeting. They were: legal documents and landscaping.

Legal Documents:

Attorney Mark Johnson, representing the applicant, handed the Board an easement document, dated Oct. 2, 2009, showing the easements. He also gave an overview of a summary of the easements, including the private sewer and water easements to Timothy Drive, the pedestrian access, future water easements, and a drainage easement. Ms. Byerley noted that the Conservation Commission has established a sub-committee to discuss what organization will own the open space. Ms. Byerley noted that she is still waiting for comments from DPW, regarding the private easements. Attorney Johnson reviewed the easement under the roadway by the Pike School. Bob Gable, of 35 Sunset Rock Road, questioned the easement location and further asked if an additional easement along the Pike School was needed. Attorney Johnson noted they do not need additional easements, as they are not changing the drainage. Ms. Anderson suggested that the peer consultant, ESS Group, review the drainage to see if easements are necessary at Pike School. Lynne Hunter, of 30 Sunset Rock Rd., questioned the easement at Pike School and further asked how the applicant can be permitted to install a pipe within the right-of-way. Ms. Byerley responded that lot 1 already has an easement and the applicant would have to get a street opening permit from DPW. Attorney Andrew Caffrey, representing Mr. Gable, questioned when the street opening permit is pulled. He expressed concern that work is being done in a sensitive area, and proposed work should be reviewed beforehand. Ms. Byerley noted that the plan is being reviewed by DPW, which is aware of where the drain lines are going. Town Counsel, Attorney Thomas Urbelis, stated that DPW can allow work to be done in the roadway. Ms. Byerley noted that the Subdivision Rules and Regulations require a street opening permit prior to excavation. Attorney Caffrey continued to express his concern that the work is being done in a sensitive area, and it should be reviewed by DPW. Mr. McDonnell noted that every subdivision connects to sewer and water, and the Board relies on DPW expertise. Ray Cormier noted that the drainage would be owned by the Town. Attorney Caffrey questioned the

Celestial Circle:

Legal Documents cont.):

regulations for street opening permits. Attorney Urbelis noted that DPW would have that information. Attorney Johnson reviewed the HOA documents and the maintenance for the porous pavement. Larry Beals, Beals and Associates, reviewed his credentials and other projects that used porous pavement, including Walden Pond Parking area, which was built in 1977. He noted that it still functions properly after many years of freezing and thawing, and being plowed. He also reviewed other projects that use porous pavement including an overlay on interstate highways and a project in Tewksbury at 234 Ballardvale Road. Mr. Materazzo questioned how it compares to conventional detention basins. Mr. Beals reviewed the advantages and disadvantages of porous pavement and noted that it needs to be vacuumed quarterly. Attorney Johnson gave the board a handout of the estimate for maintenance of the porous pavement. Ms. Hunter questioned if the porous pavement can be vacuumed in the winter and expressed concern that it would be a private roadway. Mr. Beals noted it can be vacuumed in the winter, but it is usually done every four months.

Landscaping:

Attorney Johnson noted the applicant is willing to plant up to 10 shrubs on the abutting property at 30 Sunset Rock Rd. Attorney Johnson also reviewed the landscape plan for the subdivision. Ms. Byerley reviewed her memo to the Board, dated October 23, and noted that the applicant should meet with the tree warden, prior to any plantings, for approval of what shall be planted and where. Ms. Byerley reviewed the tree warden's memo to the, dated October 22, 2009, regarding a tree hearing after the subdivision proposal is complete. The Board questioned the tree hearing process. Attorney Urbelis reviewed the Mass Gen. Laws for tree hearings. Amy Janovsky, of 6 Snowberry Road, noted that she is Chair of a group that has been formed to protect Andover trees, and expressed concerns of the removal of any trees in Andover. Ms. Anderson noted that during the hearings, the abutters have expressed concern that Sunset Rock Road is not wide enough and some clearing would make the roadway safer. Ms. Hunter, of 30 Sunset Rock Road, noted that the proposed landscaping the applicant is proposing on her property is not going to help but will actually hinder her ability to pull out of her driveway safely; she does not think it is a safe or feasible option. The Board noted that the hearings for Celestial Circle have been previously continued during Sept. 22nd meeting to November 10th at 7:00pm.

Adjournment: The Board voted to adjourn the meeting at 9:55 p.m.